

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JAURICE ANTWAİN PAYNE, C/O 190)
Flair Drive, San Antonio, Texas)
Republic [78227],)
)
Plaintiff,)
)
V.)
)
	CIVIL ACTION NO. SA-23-CA-1254-FB
CPS ENERGY,)
)
Defendant.)

**ORDER ACCEPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Before the Court is the Report and Recommendation of United States Magistrate (docket no. 10), filed on January 15, 2024, concerning Plaintiff Jaurice Antwain Payne's *pro se* amended civil complaint (docket no. 6). According to the CM/ECF docket sheet in this case, the Report and Recommendation was sent by certified mail sent to Plaintiff (docket no. 11) and was returned by the post office marked "Return to Sender," "Unclaimed," "Unable to Forward" (docket no. 12). The Court also checked the electronic docket sheet to see if Plaintiff filed a change of address notice, but no notice has been filed. No objections to the Report and Recommendation have been filed to date.¹

Because no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a *de novo* review. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations

¹ Any party who desires to object to a Magistrate's findings and recommendations must serve and file written objections within fourteen days after being served with a copy of the findings and recommendation. 28 U.S.C. § 635(b)(1). If service upon a party is made by mailing a copy to the party's last known address, "service is complete upon mailing ." FED. R. CIV. P. 5(b)(2)(C). If service is made by electronic means, "service is complete upon transmission." *Id.* at (E).

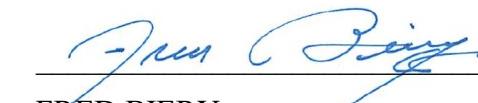
to which objection is made."). The Court has reviewed the Report and Recommendation and finds its reasoning to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge (docket no. 10) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that Plaintiff's amended complaint (docket no. 6) is DISMISSED for failure to state a non-frivolous claim pursuant to 28 U.S.C. § 1915(e) and Federal Rule of Civil Procedure 41(b).

IT IS FINALLY ORDERED that motions pending with the Court, if any, are Dismissed as Moot and this case is CLOSED.

It is so ORDERED.

SIGNED this 15th day of February, 2024.



FRED BIERY
UNITED STATES DISTRICT JUDGE